

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TIMOTHY LUCE,

Plaintiff,

v.

CIVIL CASE NO. 05-72961  
HON. MARIANNE O. BATTANI

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

---

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The Court having reviewed the Magistrate Judge's Report and Recommendation, filed on August 9, 2006, and no objections having been filed thereto,

**IT IS SO ORDERED** that the Report and Recommendation is **ADOPTED** and that Plaintiff's Motion for Summary Judgment is **DENIED** and Defendant's Motion for Summary Judgment is **GRANTED**.

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATED: September 12, 2006

**CERTIFICATE OF SERVICE**

A Copy of this Order was mailed to the parties and/or attorneys on this date by ordinary mail  
and/or electronic filing.

s/Bernadette M. Thebolt  
DEPUTY CLERK